

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA,

Plaintiff,

v.

RICKY C. CURTIS, JR.,

Defendant.

No. 13-cr-40056-JPG

MEMORANDUM AND ORDER

This matter comes before the Court on defendant Ricky C. Curtis's prospects for a reduction of his criminal sentence pursuant to 18 U.S.C. § 3582(c)(2) and United States Sentencing Guidelines Manual ("U.S.S.G.") § 1B1.10. Counsel voluntarily appeared for Curtis. She has since moved to withdraw on the basis that a sentence reduction pursuant to 18 U.S.C. § 3582(c)(2) would be detrimental to Curtis because it would prevent him from completing the Residential Drug Abuse Treatment Program ("RDAP") and render him ineligible for the one-year early release for participating in that program (Doc. 66). *See* 28 C.F.R. § 550.54(a)(1)(iv). He would get out of prison earlier for completing the RDAP and being released a year early than he would by getting a reduction based on U.S.S.G. Amendment 782. Additionally, it appears Curtis has already been released from the Bureau of Prisons. The Government agrees with defense counsel's assessment (Doc. 68), and the defendant has not responded to counsel's motion, although he was given an opportunity to do so.

Because sentence reduction under 18 U.S.C. § 3582(c)(2) would not benefit Curtis and because Curtis is no longer in custody such that he could receive the benefit of such a reduction, the Court **GRANTS** counsel's motion to withdraw (Doc. 66) and **ORDER** that counsel is **WITHDRAWN**.

IT IS SO ORDERED.

DATED: October 30, 2017

s/ J. Phil Gilbert
J. PHIL GILBERT
U.S. DISTRICT JUDGE